

A N A C T
Touching
MARRIAGES
And the Registring thereof;
And also touching
Births and Burials.



Wednesday the 24th of August, 1653.

O *Ordered by the Parliament, That this Act be forthwith Printed and Published.*

Hen: Scobell, Clerk of the Parliament.

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AN ACT

Touching

MARRIAGES

And the Registring thereof;

And also touching

Births and Burials:

BE it Enacted by the Authority of this present Parliament, That whosoever shall agree to be married within the Commonwealth of England, after the Nine and twentieth day of September, in the year One thousand six hundred fifty three, shall

shall (one and twenty days at least before such intended Marriage) deliver in Writing, or cause to be so delivered unto the Register (hereafter appointed by this Act) for the respective Parish where each party to be married lieth, the Names, Surnames, Additions, and place of abode of the parties so to be married, and of their Parents, Guardians or Overseers; All which the said Register shall publish or cause to be published, three several Lords days then next following, at the close of the Morning Exercise, in the Publique Meeting place commonly called The Church or Chappel; or (if the parties so to be married shall desire it) in the Market-place next to the said Church or Chappel, on three Market days in three several Weeks next following, between the hours of eleven and two; which being so performed, the Register shall (upon request of the parties concerned) make a true Certificate of the due performance thereof, without which Certificate, the persons herein after Authorized shall not proceed in such Marriage: And if any Exception shall be made against the said intended Marriage, the Register shall also insert the same, with the name of the person making such Exception, and their place of abode, in the said Certificate of Publication.

And it is further Enacted, That all such persons so intending to be married, shall come before some Justice of Peace within and of the same County, City or Town Corporate where Publication shall be made as aforesaid; and

and shall bring a Certificate of the said Publication, and shall make sufficient proof of the consent of their Parents or Guardians, if either of the said parties shall be under the Age of One and twenty years : And the said Justice shall examine by witnesses upon Oath, or other ways (as he shall see cause) concerning the Truth of the Certificate, and due performance of all the premises ; and also of any Exception made or arising : And (if there appear no reasonable cause to the contrary) the Marriage shall proceed in this manner :

The Man to be married, taking the woman to be married by the hand, shall plainly and distinctly pronounce these words :

I *A. B.* do here in the presence of God the Searcher of all Hearts, take thee *C. D.* for my wedded Wife; and do also in the presence of God, and before these witnesses, promise to be unto thee a loving and faithful Husband.

And then the woman, taking the Man by the hand, shall plainly and distinctly pronounce these words :

I *C. D.* do here in the presence of God the Searcher of all Hearts, take thee *A. B.* for my wedded Husband ; and do also in the presence of God, and before these witnesses, promise to be unto thee a loving, faithful and obedient Wife.

And

And it is further Enacted, That the Man and Woman having made sufficient proof of the Consent of their Parents or Guardians as aforesaid, and expressed their consent unto Marriage, in the maner and by the words aforesaid, before such Justice of Peace in the presence of two or more credible witnesses; The said Justice of Peace may and shall declare the said Man and Woman to be from thenceforth Husband and Wife; and from and after such Consent so expressed, and such Declaration made, the same (as to the form of Marriage) shall be good and effectual in Law; And no other Marriage whatsoever within the Commonwealth of England, after the Twenty ninth day of September, in the year One thousand six hundred fifty three, shall be held or accompted a Marriage according to the Laws of England: But the Justice of Peace (before whom a Marriage is solemnized) in case of dumb persons, may dispence with pronouncing the words aforesaid; and with joyning hands in case of persons that have not hands.

And that a true and just Accompt may be always kept, as well of Publications, as of all such Marriages, and also of the Births of Children, and Deaths of all sorts of persons within this Commonwealth; Be it further Enacted, That a Book of good Uellam or Parchment shall be provided by every Parish, for the Registering of all such Marriages, and of all Births of Children,
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and Burials of all sorts of people within every parish; for the safe keeping of which Book, the Inhabitants and Householdors of every parish chargeable to the relief of the Poor, or the greater part of them present, shall on or before the Two and twentieth day of September, in the year One thousand six hundred fifty three, make choice of some able and honest person (such as shall be sworn and approved by one Justice of the Peace in that parish, Division or County, and so signified under his hand in the said Register-Book) to have the keeping of the said Book, who shall therein fairly enter in writing all such Publications, Marriages, Births of Children, and Burials of all sorts of persons, and the Names of every of them, and the Days of the moneth and year of Publications, Marriages, Births and Burials, and the Parents, Guardians or Overseers names: And the Register in such parish shall attend the said Justice of Peace to subscribe the Entry of every such Marriage: And the person so elected, approved and sworn, shall be called The Parish-Register, and shall continue three years in the said place of Register and longer, until some other be chosen, unless such Justice of the Peace, or the said Parish with consent of such Justice, shall think fit to remove him sooner: And for such Publications and Certificate thereof, Twelve pence and no more may be taken; and for the Entry of every Marriage, Twelve pence and no more; and for every Birth of Child, Four pence and no more; and for every Death, Four pence and no more: And for Pub-

Publications, Marriages, Births or Burials of poor people who live upon Alms, nothing shall be taken. And the said Justice of Peace (if it be desired) shall give unto the parties so married, a Certificate in Parchment under his hand and seal, of such Marriage, and of the day of the Solemnization thereof, and of two or more of the Witnesses then present; and the Justices Clerk for this Certificate may receive Twelve pence and no more: And if such Certificate shall be produced to the Clerk of the Peace for that County, and request made to him to make an Entry thereof, Then the said Clerk of the Peace is hereby required to enter the same in a Book of Parchment to be provided for that purpose, and kept amongst the Records of the said Sessions, and to restore the said Certificate; for which Entry, the Clerk of the Peace may receive Four pence and no more.

And be it further Enacted, That if any person by violence or fraud shall steal and take away, or cause to be stolen or taken away, any person whatsoever, under the age of One and twenty years, with intent to marry the said person in this Commonwealth, or in any other place; such person and persons so stealing and taking away, or causing to be stolen and taken away, shall forfeit his and their whole Estate real and personal, one half thereof to the Commonwealth, and the other half to the use of the party so taken away, to be recovered by any Suit on behalf of the Commonwealth; or by any Action in a Court

Court of Record, brought by their Parent, Guardian or Overseer, and shall farther suffer strict and close Imprisonment, and be kept to hard labor in some House of Correction or other publique working house during life; and every person that shall be convicted upon Indictment, Presentment, or by any due course of Law, for aiding or abetting any such violence or fraud, shall be Imprisoned, and kept at hard labor (as aforesaid) during the space of seven whole years next after such conviction; and any pretended Marriage, that at any time hereafter shall be obtained by any such violence or fraud, is hereby declared null and void.

And it is further Enacted, That where any Guardian or Overseer shall betray any Trust touching any childe, by seducing, selling or otherways wilfully putting such Childe into the hands or power of any person who shall marry such Childe, without his or her free consent, such Guardian or Overseer shall forfeit double the portion which of right did belong to such Childe, one moyety thereof to go to the Commonwealth, and the other to the Childe so married as aforesaid, to be recovered by any Action, Bill, Plaint or Suit, in any Court of Record, by the party wronged, or any other person on his or her behalf.

And it is hereby Declared and Enacted, That from and after the nine and twentieth day of September, One thousand six hundred fifty and three, the Age for a Man to consent
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unto Marriage shall be Sixteen years, and the age of a Woman Fourteen years, and not before; and any Contract or Marriage had or made before the respective Ages aforesaid, shall be void and of none effect.

And it is further Enacted, That the hearing and determining of all Matters and Controversies touching Contracts and Marriages, and the lawfulness and unlawfulness thereof, and all exceptions against Contracts and Marriages, and the distribution of Forfeitures Within this Act, shall be in the power, and referred to the determination of the Justices of Peace in each County, City or Town Corporate, at the General Quarter Sessions, or of such other persons to hear and determine the same, as the Parliament shall hereafter appoint.

And be it further Enacted, That all and every Offence and Offences at any time or times hereafter committed or done upon or beyond the Sea, contrary to the Tenor and true intent and meaning of this Act, shall and may be tried in any City, Town Corporate, or County where the person or persons so offending shall be apprehended or attached for the Offence or Offences aforesaid.

And it is also Enacted, That where there are small Parishes, or places not within any parish, or no usual Morning-Exercise on the Lords day in the aforesaid Meeting-place, the Justices of Peace at their General-Sessions,

sions, or any three or more of them, may unite two or more such parishes, or such places to other parishes (at their Discretions) which shall be accounted one Parish, as to the matters onely within this Act; And one Register to serve for such parishes and places so united.

And be it Enacted. That all and every the persons in this Act mentioned, may and shall, in their severall places by vertue hereof, put in execution all and every the Powers and Authorities respectively to them limited by this Act, Any Law, Statute, Custom or Usage to the contrary notwithstanding. And all Register-Books for Marriages, Births and Burials already past, shall be delivered in to the Hands of the respective Registers appointed by this Act, to be kept as Records.

And it is lastly Enacted by this present Parliament, and the Authority thereof, That this present Act shall be in force in Ireland, from and after the First day of December, which shall be in the year of our Lord, One thousand six hundred fifty and three.

Wednesday the 24th of August, 1653.

ORdered by the Parliament, That this Act be forthwith printed and published.

Hen: Scobell, Clerk of the Parliament.
